

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2039

Introduced by Assembly Member Arambula

February 15, 2008

An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2039, as amended, Arambula. Department of Motor Vehicles: records.

Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles records, if the officer or employee requests it be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for 3 years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently upon request.

This bill would revise that provision and allow inspection of the home address, until ~~any~~ reinstatement to an office or employment; if the termination of office or employment is the result of conviction of a criminal offense or related to offense. *At the discretion of the employing agency, a confidential home address may be withheld from public inspection for 3 years if the termination of office or employment is the result of the filing of a criminal complaint.*

This bill would also make clarifying technical changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
2 to read:
3 1808.4. (a) ~~The home address of any of the following~~
4 ~~persons,~~*For all of the following persons, his or her home address*
5 that appears in ~~any a~~ record of the department, is confidential if
6 the person requests the confidentiality of that information:
7 (1) Attorney General.
8 (2) State public defender.
9 (3) ~~Members~~*A Member* of the Legislature.
10 (4) ~~Judges or court commissioners~~*A judge or court*
11 ~~commissioner.~~
12 (5) ~~District attorneys~~*A district attorney.*
13 (6) ~~Public defenders~~*A public defender.*
14 (7) ~~Attorneys~~*An attorney* employed by the Department of
15 Justice, the office of the State Public Defender, or a county office
16 of the district attorney or public defender.
17 (8) ~~City attorneys and attorneys who submit~~*A city attorney and*
18 ~~an attorney who submits~~ verification from ~~their~~ *his or her* public
19 employer that ~~they represent~~ *the attorney represents* the city in
20 matters that routinely place ~~them~~ *the attorney* in personal contact
21 with persons under investigation for, charged with, or convicted
22 of, committing criminal acts, if ~~those attorneys are employed by~~
23 ~~city attorneys~~ *that attorney is employed by a city attorney.*
24 (9) ~~Nonsworn police dispatchers~~*A nonsworn police dispatcher.*
25 (10) ~~Child abuse investigators or social workers~~*A child abuse*
26 ~~investigator or social worker,~~ working in child protective services
27 within a social services department.
28 (11) ~~Active or retired peace officers~~*An active or retired peace*
29 ~~officer,~~ as defined in Chapter 4.5 (commencing with Section 830)
30 of Title 3 of Part 2 of the Penal Code.
31 (12) ~~Employees of the Department of Corrections, the~~
32 ~~Department of the Youth Authority~~*An employee of the Department*
33 ~~of Corrections and Rehabilitation, Division of Juvenile Facilities,~~
34 or the Prison Industry Authority specified in Sections 20403 and
35 20405 of the Government Code.

1 (13) ~~Nonsworn employees~~ *A nonsworn employee* of a city police
2 department, a county sheriff's office, the Department of the
3 California Highway Patrol, ~~a federal, state, and or local detention~~
4 ~~facilities, and facility, or a local juvenile halls, camps, ranches,~~
5 ~~and homes, who submit~~ *hall, camp, ranch, or home, who submits*
6 agency verification that, in the normal course of ~~their~~ *his or her*
7 employment, ~~they control or supervise~~ *he or she controls or*
8 *supervises* inmates or ~~are~~ *is* required to have a prisoner in ~~their~~
9 *his or her* care or custody.

10 (14) ~~County counsels~~ *A county counsel* assigned to child abuse
11 cases.

12 (15) ~~Investigators~~ *An investigator* employed by the Department
13 of Justice, a county district attorney, or a county public defender.

14 (16) ~~Members~~ *A member* of a city council.

15 (17) ~~Members~~ *A member* of a board of supervisors.

16 (18) ~~Federal prosecutors and criminal investigators and~~ *A federal*
17 *prosecutor, criminal investigator, or National Park Service* ~~Rangers~~
18 *Ranger* working in this state.

19 (19) ~~Any~~ *An* active or retired city enforcement officer engaged
20 in the enforcement of the Vehicle Code or municipal parking
21 ordinances.

22 (20) ~~Any~~ *An* employee of a trial court.

23 (21) ~~Any~~ *A* psychiatric social worker employed by a county.

24 (22) ~~Any~~ *A* police or sheriff department employee designated
25 by the Chief of Police of the department or the sheriff of the county
26 as being in a sensitive position. ~~Any~~ *A* designation pursuant to this
27 paragraph shall, for purposes of this section, remain in effect for
28 three years subject to additional designations that, for purposes of
29 this section, shall remain in effect for additional three-year periods.

30 (23) ~~State employees in~~ *A state employee in one of* the following
31 classifications:

32 (A) Licensing Registration Examiner, Department of Motor
33 Vehicles.

34 (B) Motor Carrier Specialist 1, California Highway Patrol.

35 (C) Museum Security Officer and Supervising Museum Security
36 Officer.

37 (24) (A) The spouse or child of ~~any~~ *a* person listed in
38 paragraphs (1) to (23), inclusive, regardless of the spouse's or
39 child's place of residence.

1 (B) The surviving spouse or child of a peace officer, as defined
2 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
3 2 of the Penal Code, if the peace officer died in the line of duty.

4 (b) The confidential home address of ~~any of the persons~~ *a person*
5 listed in subdivision (a) shall not be disclosed to any person, except
6 ~~for~~ *disclosed, except to* any of the following:

7 (1) A court.

8 (2) A law enforcement agency.

9 (3) The State Board of Equalization.

10 (4) An attorney in a civil or criminal action that demonstrates
11 to a court the need for the home address, if the disclosure is made
12 pursuant to a subpoena.

13 (5) ~~Any~~ A governmental agency to which, under any provision
14 of law, information is required to be furnished from records
15 maintained by the department.

16 (c) (1) ~~Any~~ A record of the department containing a confidential
17 home address shall be open to public inspection, as provided in
18 Section 1808 if the address is completely obliterated or otherwise
19 removed from the record.

20 (2) Following termination of office or employment, a
21 confidential home address shall be withheld from public inspection
22 for three years, unless the termination is the result of conviction
23 of a criminal offense ~~or the filing of a criminal complaint.~~ *offense.*
24 *At the discretion of the employing agency, a confidential home*
25 *address may be withheld from public inspection for three years if*
26 *the termination or separation is the result of the filing of a criminal*
27 *complaint.* Upon reinstatement to an office or employment, the
28 protections of this section are available.

29 (3) With respect to ~~retired peace officers, their~~ *a retired peace*
30 *officer, his or her* home addresses shall be withheld from public
31 inspection permanently upon request of confidentiality at the time
32 the information would otherwise be opened. The home address of
33 the surviving spouse or child listed in subparagraph (B) of
34 paragraph (24) of subdivision (a) shall be withheld from public
35 inspection for three years following the death of the peace officer.

36 (4) The department shall inform ~~any~~ *a* person who requests a
37 confidential home address what agency the individual whose
38 address was requested is employed by or the court at which the
39 judge or court commissioner presides.

1 (d) A violation of subdivision (a) by the disclosure of the
2 confidential home address of a peace officer, as specified in
3 paragraph (11) of subdivision (a), a nonsworn employee of the
4 city police department or county sheriff's office, or the spouses or
5 children of these persons, including, but not limited to, the
6 surviving spouse or child listed in subparagraph (B) of paragraph
7 (24) of subdivision (a), that results in bodily injury to the peace
8 officer, employee of the city police department or county sheriff's
9 office, or the spouses or children of these persons is a felony.

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